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# Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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## House Week in Review

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House members spent most of last week getting things cleared away in preparation for undertaking the state budget bill this week. House Ways and Means Committee members briefed House members and the standing committees on features of the \$3 billion budget. Deliberations on the state appropriations bill began Monday afternoon.

### Reserve Fund Changes Signed into Law

Legislation making changes in the state's two reserve funds were signed into law by the governor last week. The legislation stipulates that the accumulated total of the General Reserve Fund would be reduced from 4 to 3 percent. The Capital Expenditure Fund would be capped at 2 percent.

The constitutional amendment making changes in the General Reserve Fund and adding the Capital Expenditure Fund to the constitution now must be approved by voters during next November's general election.

### Headed for the Governor's Desk

The General Assembly gave final approval to a number of bills last week which were enrolled for ratification. Among these are revisions in the Governmental Tort Claims Act, creation of an Accommodations Tax Ad Hoc Committee, and the constitutional amendment that would allow the Legislature to provide by law for the age and qualifications of sheriffs.

## "The Cutting Edge"

### Higher Education's Blueprint for Excellence

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*Last October, the state Commission on Higher Education released "The Cutting Edge," a 27-point plan to promote research and academic excellence within the state's higher education institutions. Although the research portion of the proposal got the lion's share of the publicity, this comprehensive report addressed a wide spectrum of issues, including preparation, admission and retention of students; improvement of instruction and research, and the strengthening of planning and quality assessment.*

*According to the CHE, "The Cutting Edge" proposals have a dual purpose. They are designed to build on "the remarkable progress South Carolina is already making in its public schools" and to promote economic development in the state*

*Last week, the House Education and Public Works Committee adopted as a committee bill proposals from the "Cutting Edge," plus two amendments dealing with out-of-state students. This a summary of that bill.*

#### Introduction

Entitled the "State Commission on Higher Education's Initiatives for Research and Academic Excellence," the bill would be divided into Article I: Excellence for Students; Article III: Excellence in Instruction and Educational Services, Article V: Excellence in Research for Economic Development, and Article VII: Improving Accountability Through Planning and Assessment. This is an synopsis of each of the proposed articles.

#### Article 1: Excellence for Students

1. In consultation and coordination with the public institutions of higher learning within the state, the state Commission on Higher Education would ensure that *minimal admissions standards* are maintained by the institutions.

Under this proposal, the commission, with the institutions, would monitor the effect of compliance with admissions prerequisites that are effective next fall.

With the exception of the Citadel, *out-of-state students* could not compose more than 30 percent of the undergraduate freshman class at any public college or university in South Carolina beginning with the 1989-90 academic year and continuing through the 1991-92 school year. The legislation states it is the intent of the General Assembly that, with the exception of the Citadel, out-of-state students cannot make up more than 30 percent of the total undergraduate enrollment at any state college or university by the 1992-93 academic year.

As to the Citadel, the bill states that beginning with the 1989-90 school year, out-of-state students could not make up more than 50 percent of the freshman class corps of cadets. This stipulation would continue through the 1991-92 school year so that by the 1992-93 academic year, the total number of out-of-state students could not be more than 50 percent of the total corps of cadets.

The CHE would work with any of the colleges or universities whose out-of-state enrollments exceed the requirements of the bill. The commission also would report annually to the General Assembly, identifying any state college or university whose total out-of-state student enrollment exceed the limits. The annual report, which would begin with a report on the 1988-89 school year, would describe the reasons why the limits were exceeded and the plan for reducing the number of out-of-state undergraduate students in excess of the limits.

2. The *Palmetto Fellows Scholarship Program* would be created for undergraduate students, with scholarships to be awarded based on scholarship and achievement. One of the aims of the program is to help retain in-state some of the South Carolina's brightest graduating high school seniors. The amount of each scholarship would be designated by the CHE, which also would administer the program. The state would fund half of the scholarship, the college or university in which the student enrolled would fund the other half. The bill states that measures must be taken to ensure minority representation among the students selected.

3. A plan for *developmental education* -- also known as remedial education -- would be developed by each state institution of higher learning in accordance with guidelines established by the commission. The CHE would conduct a study of developmental education in the state, as well as evaluations and reviews of these course offerings. According to proponents of the bill, the idea is to move toward reducing these kinds of course offerings as the skills of entering college students improve. The CHE also wants to make sure students enrolled in these classes don't stay in them but progress to other academic levels.
4. The bill proposes that the *TEC system* would convert from the *quarter system* to the *semester system*. The "Cutting Edge" report stated that this change would help students transfer to other institutions and promote cooperation in the higher education system. The report also stated that the State TEC Board would be willing to make the change if the funding is provided.
5. The State TEC Board, in consultation with the CHE, would adopt policies prohibiting *TEC colleges* from offering courses that do not lead to an authorized certificate, diploma or degree program. At TEC colleges not authorized to award an associate in arts degree (A.A.) or an associate in science degree (A.S.), the offering of "college parallel" general education courses would be limited to courses necessary for non-transfer associate degree programs. The CHE -- after consulting with the State TEC Board and the senior colleges and universities -- would establish the rules to regulate this course limitation. The bill also states that the CHE should continue to work with all institutions to improve the standards and procedures for course transfer (also known as "articulation.")

#### Article III: Excellence in Instruction and Educational Services

1. The legislation proposes establishing a *competitive grants program* for all public and private colleges and universities in the state. The program would be administered by the CHE with the aim of improving undergraduate instruction. "The Cutting Edge" report described this program as awarding grants for projects which emphasize the improvement and evaluation of instruction.

*Legislative Update, March 15, 1988*

**Bills Introduced**

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Here is a sampling of bills introduced in the House during the previous week. Not all House bill introduced during that period are featured here. The bills are organized by the standing committees to which they were referred.

*Agriculture and Natural Resources Committee*

State Reptile (S.1006, Sen. Drummond). *Caretta Caretta*, also known as the Loggerhead Turtle, would become the state's official reptile if this bill passes. See the Jan. 26, 1988 edition of the *Legislative Update* for more information on state turtles, bugs and other official delicacies.

*Education and Public Works Committee*

Interscholastic Activity Eligibility (H.3919, Rep. Koon). Students in grades 9-12 who want to participate in interscholastic activities during a full school year would have to pass four courses, including courses required for graduation, at the end of the previous school year or after summer school. The current law states students must qualify for activities each semester by passing at least four academic courses with an overall passing average, including all the units required for graduation, each preceding semester.

Renaming Bridges (H.3043, Rep. Rudnick). Before a governing board or public official could rename state property in honor of any particular person, public notice would have to be published in the local newspaper 30 days before the name change. The notice could not be placed in the classified ads. This provision would not apply to name changes approved by the General Assembly.

Notice of Public Property Sale (H.3944, Rep. Rudnick). This would require state officials to give 30 days public notice of their intention to sell public property. This notice, to be published in the local newspaper, would have to include the purchaser, a description of the property and the price. Notice could not be published in the classifieds.

Article V: Excellence in Research for Economic Development

1. Under this article, a *Research Investment Fund* would be created. This fund would either establish or expand upon existing research programs at the state's public higher education institutions, which relate to the state's economic development. The fund would be appropriated to and allocated by the CHE.
2. The legislation states the fund must be used for research that has a direct, positive impact on economic development, education, health or welfare in South Carolina; has an existing base in faculty expertise and resources, and would improve the the quality of undergraduate and graduate education. The fund could not be used for capital construction projects.
3. At the end of each budget year, reports would be made to the CHE regarding how the funds were expended and what results were realized from the research undertaken. At the end of two budget years, and for every budget year thereafter, the CHE would evaluate the process of appropriating the research funds and the results and make recommendations for change to the General Assembly, if necessary.
4. The legislation states that funds would be apportioned to the three universities and the four-year colleges in a manner that takes into account the previous year's expenditures of externally generated funds for research by the institutions as reported to the commission. With the exception of USC, Clemson and MUSC, the colleges seeking research money from the fund would have to submit proposals to the CHE for approval. The portion of the funding to the three universities must be distributed in a way that takes into account the previous year's expenditures of externally generated funds for research which each university reported to the CHE.

Article VII: Improving Accountability Through Planning and Assessment

1. Under this article, the Commission on Higher Education would maintain a *statewide planning system*, which would focus on future directions for higher education in South Carolina, assure the continued development of quality higher education and equal access to the system.

2. The CHE would establish an *Advisory Council on Planning* to assist the commission and the institutions in maintaining planning as a high priority. In addition, the CHE would ensure that each public institution maintains its individual planning process.
3. Each year, the CHE's chief executive officer would develop a *prospectus for planning*. In the initial year, the Advisory Council would develop a statewide planning document to be submitted to the CHE. Each year thereafter, the Advisory Council would prepare revisions of the planning document for submission to the commission. The revisions would conform to, but would not be limited to, the CHE's prospectus.
4. Under the bill, a system of *quality assessment* by the state's higher education institutions would be maintained. This system would assure that a method for measuring institutional effectiveness is in effect on every public college and university campus. This system could provide data for public information and for use in initiating curriculum, program or policy changes within the institution.

Each institution would be responsible for maintaining its own system of measuring institutional effectiveness in accordance with procedures and requirements developed by the CHE. This system must include a description of what criteria is being used to assess effectiveness. As part of the statewide planning process, each institution would submit an annual report to the CHE on its effectiveness program. In turn, the CHE would prepare a report that would include the results of institutional effectiveness programs, including student assessment programs. Private colleges and universities would be included if these colleges voluntarily decide to provide information.

5. Under the legislation, all state colleges and universities would establish their own methods to *measure student achievement*. These methods must, in part, take into account each institution's mission; involve faculty in setting the standards, selecting the ways to measure achievement, and analyzing the results; follow student progress through the curriculum, and include follow-up data on graduates. As part of their annual reports on institutional effectiveness to the CHE, each public college and university would submit information on student achievement and describe their institution's progress in developing assessment programs.



6. Beginning with the 1991-92 school year, *out-of-state undergraduates* at the state's colleges and universities would pay at least 75 percent of the per student cost of the educational and general operations of their respective schools. TEC colleges are not included in this stipulation. The per student cost would be determined by the CHE. The commission would work with the public institutions to develop fee increase schedules so that the out-of-state student fees reach the level required in this section by the 1991-92 academic year.
7. This section of the bill deals with *changes in the make-up and authority of the commission*. Under this section as amended by the bill, the CHE would still be composed of 18 members, but they would be selected differently. Under the proposal, two members would be appointed by the governor from each congressional district on the recommendation of a majority of the legislative delegation members from that district. An additional six members would be appointed at large by the governor with the advice and consent of the Senate. Members would serve four year terms, but no one would be eligible to serve more than two four-year terms. The bill also prohibits CHE members from being employees of a public or private college or university. If appointed from a congressional district, they must be a resident of that district.
8. This section deletes current language which allows the CHE to make a decision concerning federally funded programs at the institutions. It also deletes language stating that the CHE will adopt or modify the budget presented to it by the institutions before submitting them to the state Budget and Control Board and the General Assembly on behalf of the institutions. Supplemental appropriation requests from the institutions would continue to be submitted to the CHE first. If the commission does not agree, the institution can request a hearing before the appropriate legislative committee, at which the CHE may also appear and present its own recommendations.

The proposed bill states no new program at any public institution may be undertaken without CHE approval. This statement deletes language also giving the General Assembly the authority to approve new programs. Under this section, the CHE would also have the authority to terminate an existing program. The trustees of the institutions may appeal this recommendation to the Senate Education and House Education and Public Works committees. Both committees would have to vote against the termination to overturn the recommendation of the CHE.

9. Under this section, the chief executive officer of the CHE or his designee would be added as an ex officio member of the *Higher Education Tuition Grants Commission*. The Tuition Grants Commission also would have to report annually to the General Assembly if this section of the proposed bill is approved.
10. The bill would repeal the section of state law which allows trustees to abate all or any part of *out-of-state rates* for students who receive scholarship aid.
11. This section outlines how the commission membership would phase-in the proposed new method of selecting its members.

Postscript

The House Ways and Means Committee has included \$5 million in the proposed supplemental appropriations bill to fund the "Cutting Edge" proposals.

## In-state and Out-of-State Tuition and Fees

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Recently, the Southern Regional Education Board published the report "Comparative Information on Education in the SREB States 1987." Among the data presented in this valuable document were statistics on in-state and out-of-state tuition and fees at public colleges and universities in the SREB states.

The SREB reported that while tuition and fees at these colleges and universities remained below the national averages, in-state undergraduate tuition and fees at public four year colleges were 88 percent of the national average -- the closest of any SREB institution to the national averages.

Here is a list of the undergraduate tuition and fees for selected public universities in the SREB as presented in the SREB report. This listing looks at the in-state and out-of-state undergraduate tuitions and fees for the 1986-87 and 1985-86 school years.

### *Undergraduate Tuition and Required Fees Selected Public Universities SREB-States*

| <i>Institution</i>     | <i>1986-87</i>  |                  | <i>1985-1986</i> |                  |
|------------------------|-----------------|------------------|------------------|------------------|
|                        | <i>In-state</i> | <i>Out-State</i> | <i>In-State</i>  | <i>Out-State</i> |
| William and Mary       | \$2,540         | \$6,772          | \$2,290          | \$6,168          |
| Univ. of Virginia      | \$2,238         | \$5,468          | \$2,036          | \$4,886          |
| VPI                    | \$2,187         | \$4,407          | \$2,019          | \$4,029          |
| Va. Commonwealth Univ. | \$2,110         | \$4,730          | \$1,798          | \$4,088          |
| USC at Columbia        | \$2,028         | \$4,148          | \$1,608          | \$3,288          |
| Clemson                | \$1,922         | \$4,478          | \$1,682          | \$3,910          |
| Univ. of Mississippi   | \$1,727         | \$2,909          | \$1,517          | \$2,699          |

*Legislative Update, March 15, 1988*

| <i>Institution</i>       | <i>1986-87</i>  |                  | <i>1985-1986</i> |                  |
|--------------------------|-----------------|------------------|------------------|------------------|
|                          | <i>In-state</i> | <i>Out-State</i> | <i>In-State</i>  | <i>Out-State</i> |
| LSU at Baton Rouge       | \$1,724         | \$4,124          | \$1,274          | \$3,274          |
| Miss. State Univ.        | \$1,700         | \$2,882          | \$1,492          | \$2,674          |
| Georgia Tech             | \$1,695         | \$5,064          | \$1,587          | \$5,007          |
| Georgia                  | \$1,662         | \$4,422          | \$1,554          | \$4,380          |
| Maryland at College Park | \$1,601         | \$4,477          | \$1,496          | \$4,202          |
| Southern Mississippi     | \$1,600         | \$2,782          | \$1,401          | \$2,583          |
| Georgia State            | \$1,419         | \$4,749          | \$1,320          | \$4,440          |
| Alabama                  | \$1,379         | \$2,993          | \$1,254          | \$2,690          |
| Univ. of Louisville      | \$1,340         | \$3,820          | \$1,244          | \$3,534          |
| Kentucky                 | \$1,332         | \$3,812          | \$1,228          | \$3,518          |
| Tennessee at Knoxville   | \$1,323         | \$3,756          | \$1,125          | \$3,279          |
| West Virginia            | \$1,260         | \$3,240          | \$1,160          | \$3,140          |
| Auburn                   | \$1,220         | \$3,090          | \$980            | \$1,772          |
| Memphis State            | \$1,220         | \$3,650          | \$1,020          | \$3,168          |
| Arkansas at Fayetteville | \$1,030         | \$2,542          | \$930            | \$2,190          |
| Houston at Univ. Park    | \$930           | \$4,050          | \$720            | \$3,960          |
| UNC at Greensboro        | \$922           | \$4,262          | \$888            | \$3,808          |
| Oklahoma                 | \$921           | \$2,727          | \$858            | \$2,484          |
| North Texas State        | \$900           | \$4,000          | \$720            | \$3,960          |
| Oklahoma State           | \$894           | \$2,700          | \$828            | \$2,454          |
| Texas at Dallas          | \$885           | \$4,326          | \$720            | \$3,960          |
| East Texas State         | \$885           | \$4,007          | \$720            | \$3,960          |

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| <u>Institution</u>   | <u>1986-87</u>  |                  | <u>1985-1986</u> |                  |
|----------------------|-----------------|------------------|------------------|------------------|
|                      | <u>In-state</u> | <u>Out-State</u> | <u>In-State</u>  | <u>Out-State</u> |
| Texas at Austin      | \$885           | \$4,003          | \$720            | \$3,960          |
| Texas Womens' Univ.  | \$882           | \$4,002          | \$720            | \$3,960          |
| Texas A&M            | \$870           | \$3,990          | \$720            | \$3,960          |
| Texas Tech           | \$840           | \$3,950          | \$720            | \$3,960          |
| North Carolina State | \$839           | \$4,179          | \$810            | \$3,730          |
| UNC at Chapel Hill   | \$820           | \$4,160          | \$794            | \$3,714          |
| Univ. of South Fla.  | \$812           | \$3,142          | \$775            | \$2,725          |
| Florida State        | \$812           | \$3,142          | \$775            | \$2,725          |
| Univ. of Florida     | \$812           | \$3,142          | \$775            | \$2,725          |

Source: Southern Regional Education Board, "Comparative Information on Education in the SREB States 1987," Table 17, page 29.

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Notice of Public Property Sale (H.3944, Rep. Rudnick). This would require state officials to give 30 days public notice of their intention to sell public property. This notice, to be published in the local newspaper, would have to include the purchaser, a description of the property and the price. Notice could not be published in the classifieds.

First Grade Attendance (S.980, Sen. Setzler). South Carolina first graders would have to be 6-years-old by Nov. 1, or have attended first grade in another state, or have attended a public school required kindergarten program for one full year if this bill passes. This bill would allow the public school required kindergarten to be either in-state or out-of-state.

Interscholastic Eligibility (S.1191, Sen. Land). This bill would add another way for students in grades 9-12 to be eligible for interscholastic activities. Currently, these students must pass in the preceding semester at least four academic course with an overall passing average, including each course required for graduation. Under this bill, students could also pass five academic courses and maintain an overall passing average the semester before the activity.

*Judiciary Committee*

Birth Defects (H.3941, Rep. Fair). Under this bill, no cause of action based on a congenital defect or birth abnormality could be maintained against a health care provider, if he did not cause the defect or abnormality by his actions or omissions.

Voter Registration (S.1139, Sen. Holland). Jury lists would be compiled from driver licenses lists furnished by the State Highway Department under this bill. But only those drivers who are eligible to register to vote would be included on the the jury list. The Highway Department data would provide court officials with current names, addresses, ages and other biographical information. This bill would not go into effect until the state Constitution is amended to reflect the changes.

Voter Registration Amendment (S.1140, Sen. Holland). This is the joint resolution, if passed by the General Assembly and approved by the voters in November, that would authorize S.1139 described above.

*Ways and Means Committee*

Real Estate Exchanges (H.3918, Rep. Kirsh). Under the South Carolina income tax, no exclusion from gross income is permitted for real estate unless the real estate received in an exchange is located in South Carolina.